

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Agriculture & Cooperation Department – Agriculture Marketing - Sri K.Jayasekhar, the then Executive Engineer(AM), Visakhapatnam(U/s) – Initiation of Departmental action under Rule 20 of the A.P.Civil Services (CCA) Rules, 1991 – Articles of charges – Issued.

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AGRICULTURE & CO-OPERATION (VIG.II) DEPARTMENT

G.O.RT.No. 318

Dated:11TH MAY,2015

ORDER:-

It is proposed to hold an inquiry against Sri K.Jayasekhar, the then Executive Engineer(AM), Visakhapatnam(U/s) in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (CCA) Rules,1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A statement of imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri K.Jayasekhar, the then Executive Engineer(AM), Visakhapatnam(U/s) is directed to submit within 10 days of the receipt of this order, a written statement of his defence.

4. Sri K.Jayasekhar, the then Executive Engineer(AM), Visakhapatnam(U/s) is informed that an Inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri K.Jayasekhar, the then Executive Engineer(AM), Visakhapatnam(U/s) is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (CCA) Rules, 1991 or the orders/directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

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6. Attention of Sri K.Jayasekhar, the then Executive Engineer(AM), Visakhapatnam(U/s) is invited to Rule 24 of the A.P. Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings it will be presumed that Sri K.Jayasekhar is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule, 24 of the A.P. Civil Services (Conduct) Rules, 1964.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

L.PREMACHANDRA REDDY,
SECRETARY TO GOVERNMENT(COOP & MKTG.)

To

Sri K.Jayasekhar, the then Executive Engineer(AM), Visakhapatnam(U/s) through the Commissioner & Director of Agriculture Marketing, A.P.,Hyderabad.(w.e)

Copy to:

The Commissioner & Director of Agriculture Marketing, A.P.,Hyderabad.
Sf/Sc

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ANNEXURE – I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI K.JAYASEKHAR, THE THEN EXECUTIVE ENGINEER(AM), VISAKHAPATNAM (U/S).

Article-I:

That Sri K. Jaya Sekhar, while working as Executive Engineer(AM), Visakhapatnam from 4-9-2010 to 15-6-2011 has failed to discharge his legitimate duties and failed to follow prescribed procedures and committed irregularities in execution of one work “Providing lighting system and pole with 6 Nos SVRHHM Lamps each at North East and East South corners in the market yard at Chintapalli” and “Providing lighting system and pole with 6 Nos SVRHHM Lamps each at North East and West South corners in the market yard at chintapalli”. Total Rs. 6.00 Lakhs by splitting this homogeneous work into 2 works to bring down to the limit of Rs. 3.00 Lakhs each for entrusting the works on Nomination basis and the work was not executed as per Administrative sanction and Agreements were concluded before committee gave resolution and without payment of E.M.D. Consequently, an amount of Rs. 5.07 Lakhs was mis-utilized and loss was caused to the Government.

Thus Sri K.Jayasekhar, Executive Engineer (U/s) by his above mentioned act, exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government servant and thereby contravened the Rule 3 (1) (2) of A.P.C.S.(Conduct) Rules, 1964.

L.PREMACHANDRA REDDY,
SECRETARY TO GOVERNMENT(COOP & MKTG.)

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ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT AND IRREGULARITIES IN SUPPORT OF EACH ARTICLE OF CHARGE FRAMED AGAINST SRI K.JAYASEKHAR, THE THEN EXECUTIVE ENGINEER(AM), VISAKHAPATNAM (U/S).

Sri K. Jaya Sekhar, S/o Sivaiah the then Executive Engineer(AM), Visakhapatnam is a native of Jettipalem (v), Mogalithur Mandalam, West Godavari District. He joined in Government service on 12.07.1985 A.N. as Engineering Supervisor(Assistant Engineer) in AMC, Anakapally in Agriculture Marketing Department. He was promoted as Deputy Executive Engineer with effect from 20.10.2004. Further, he was promoted as Executive Engineer with effect from 04-09-2010 and worked up to 15/06/2011. Further, he was transferred and joined at Vijayawada as Executive Engineer(M) on 16.06.2011. The date of attaining the superannuation is 31-03-2021. He is referred herein-after to as Government servant(GS).

Sri K. Jaya Sekhar, the then Executive Engineer(AM), Visakhapatnam has failed to discharge his legitimate duties and failed to follow prescribed procedures and committed irregularities in execution of one work "Providing lighting system and pole with 6 Nos SVRHM Lamps each at North East and East South corners in the market yard at Chintapalli" and "Providing lighting system and pole with 6 Nos SVRMH Lamps each at North East and West South corners in the market yard at chintapalli". Total Rs. 6.00 Lakhs by splitting this homogeneous work into 2 works to bring down to the limit of Rs. 3.00 Lakhs each for entrusting the works on Nomination basis and the work was not executed as per Administrative sanction and Agreements were concluded before committee gave resolution and without payment of E.M.D. Consequently, an amount of Rs. 5.07 Lakhs was mis-utilized and loss was caused to the Government which warrants disciplinary action.

The Present Executive Engineer (AM), Visakhapatnam Sri. M.Venugopala Rao in his report dated. 20.11.2014 has pointed out the irregularities committed in execution of the said works in the following means:

- 1) The then Executive Engineer (AM), Visakhapatnam has instead of calling for tenders for the said Electrical works allotted the works on Nomination basis which were neither civil nor maintenance works in contravention of G.O.Ms. No. 109, Dt: 31.05.2007 by deviating the procedure.
- 2) The then Executive Engineer (AM), Visakhapatnam has entered into Agreement with the contractor, M/s. Padmavathi Electrical Works, Visakhapatnam vide Agreement numbers 41/2011-12 & 42/2011-12, dated. 10.06.2011 before Subcommittee proposals & Proceedings issued by the PIC, AMC, Chintapalli which is irregular. The AMC, Chintapalli, passed resolution No. 12, on 11.06.2011 and issued proceedings vide No. 53/2011 also on Dt: 11.06.2011 which is highly irregular as this Dt: 11.06.2011 is after entering of Agreement by the Executive Engineer on 10.06.2011.
- 3) The then Executive Engineer(AM), Visakhapatnam has allowed the contractor to produce the Earnest Money Deposit (E.M.D) after conclusion of the Agreement. The Agreement was concluded on 10.06.2011 and the E.M.Ds for Rs. 7,500/- each, were taken on 13.06.2011 vide D.D.Nos. 238612 and 238613 of U.B.I. Maddilapalem Branch, Visakhapatnam, which is against the basic tender procedure and highly irregular.

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- 4) The then Executive Engineer(AM), Visakhapatnam did not execute the works as per nomenclature in administrative sanction. The works were sanctioned for execution in the Market Yard but were not executed in market yard as per Administrative Sanction. The execution has been carried out at places out of the market yard premises such as RTC Bus stand, Hanuman Temple etc., in Chintapalli Village which is not connected to the original estimate & agreement and permission has not been obtained from the Competent Authority to take up the works outside the market yard premises, as such it is highly irregular. The Present Superintending Engineer after verification of M.Book reported that the total paid amount for the said work was Rs. 5.07 Lakhs which has to be treated as mis-utilized, which warrants disciplinary action.
- 5) As per the report of Executive Engineer(AM), Visakhapatnam, the Non-Judicial stamp papers were purchased on 21.06.2011 with serial Nos: 400643, 400644, 400641, 400642 of Rs. 50/- each from licensed stamp vendor, Visakhapatnam with Sl. Nos. 11925, 11926, 11923 & 11924, but the date was scratched and tampered from 21.06.2011 to 2 .06.2011 to cover up his mistakes, which shows to moral turpitude.

Thus, the charged officer has mis-utilized the Government funds with malafide intention right from the sanction of the work and mis-used his legitimate powers and caused wasteful expenditure of Rs. 5.07 Lakhs on execution of works at other than sanctioned places without obtaining any permission. From this, it is evident that he has shown gross negligence towards his legitimate duties and violated Rule (3) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Hence, the charge.

L.PREMACHANDRA REDDY,
SECRETARY TO GOVERNMENT(COOP & MKTG.)

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ANNEXURE – III

**LIST OF THE DOCUMENTS BY WHICH THE ARTICLE OF CHARGES FRAMED AGAINST
SRI K. JAYA SEKHAR, THE THEN EXECUTIVE ENGINEER, AGRICULTURAL
MARKETING, VISAKHAPATNAM.**

- 1) Lr. Rc. No. EE(AM) VSP/DEE/316/2014, dated 20-11-2014 of Executive Engineer (A.M), Visakhapatnam.
- 2) Lr.No. EC-T/49/2014-15, dated 28-11-2014 of Commissioner & Director of Agricultural Marketing, Govt. of A.P., Hyderabad.
- 3) Abstract of Measurement Books - 2 Nos.

L.PREMACHANDRA REDDY,
SECRETARY TO GOVERNMENT(COOP & MKTG.)

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ANNEXURE – IV

**LIST OF WITNESSES BY WHICH THE ARTICLE OF CHARGES ARE FRAMED AGAINST
SRI. K. JAYA SEKHAR, THE THEN EXECUTIVE ENGINEER, AGRICULTURAL
MARKETING, VISAKHAPATNAM.**

-NIL-

L.PREMACHANDRA REDDY,
SECRETARY TO GOVERNMENT(COOP & MKTG.)

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